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September 28, 2017

VIA CMECF

The Honorable Andrew B. Altenburg, Jr.
United State Bankruptcy Court
District of New Jersey
Mitchell H. Cohen U.S. Courthouse
400 Cooper Street, 4th Floor
Camden, NJ 08101

**Re: Anthony M. Mortellite, Jr. and Colleen Mortellite
Case No.: 17-21818(ABA)**

**Blues Brothers, LLC
Case No.: 17-21820(ABA)**

Confirmation Hearing: October 5, 2017 at 10:00 AM

Dear Judge Altenburg:

This firm represents Lee Rain, Inc. an unsecured creditor, Claim #4 of Blues Brothers, LLC only. Please accept this letter as a limited objection by Lee Rain, Inc. to confirmation of the Plan of Debtors'.

Part D of the Plan addresses the unsecured claims ambiguously of both debtors, Mortellite and Blues Brothers, LLC. The Plan states, "Debtors shall pay to allowed unsecured creditors of Anthony M. Mortellite, Jr. and Colleen Mortellite on a pro rata basis, \$3,000 per year for three years, payable in the first, second, and third year anniversaries of the Order Confirming the Plan." See Plan page 16 and 17 attached for ease of reference. Nowhere does the Plan address payment or non-payment of a dividend to the unsecured creditors of Blues Brothers, LLC.

I have spoken personally with David Kasen, attorney for debtors and by way of electronic communication without confirmation that Lee Rain, Inc. or unsecured creditors of Blues Brothers, LLC would receive the dividend as well as from debtors, Mortellite.

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If the Plan's intention is to pay a dividend to the unsecured claims of Blues Brothers, LLC, then the Order of Confirmation should state and this objection would be cured. If the Plan proposes not to pay the unsecured claims against debtor, Blues Brothers, LLC, then Lee Rain, Inc. abides the court's interpretation of the Plan as to the unsecured creditors of Blues Brothers, LLC.

Creditor, Lee Rain, Inc., will not be making an appearance and waives oral argument.

Respectfully submitted,


Walter F. Gavigan

WFG/ji

Enclosure

Cc: David Kasen, Esquire (*Via E-mail Only*)
Andrea Dobin, Trustee (*Via E-mail Only*)

2016. The Proof of Claim indicates that the debtor did not file its Corporate Business Tax for 2015 and 2016, but that is not the case. The debtor did file those returns, and it has zero liability. For Gross Income Tax, the debtor is checking its records, but does not believe that there is \$36,000.00 due for Gross Income Tax and will be filing a Motion to expunge the priority Proof of Claim.

To the extent that there is an allowed priority tax claim, the debtor will pay that priority tax claim in three equal installments on the first, second and third anniversaries of the Order of Confirmation to pay the allowed priority ax claims in full.

D. General Unsecured Claims

To date, the following creditors are deemed to hold valid unsecured claims against the Debtors in the Anthony M. Mortellite, Jr. and Colleen Mortellite case:

Claim 8	Capital One	\$ 8,909.13
Claim 10	Capital One	\$ 1,716.74
Claim 12	Kubota Credit Corp.	<u>\$28,910.05</u>
Total		\$39,535.92

To the extent that the following creditors are allowed unsecured claims for deficiencies or are undersecured, they may add to the list of allowed unsecured claims above. They are claim number 1, Americredit Financial Services, Inc.; claim number 7, Farm Credit East; claim number 9, Wells Fargo Bank, N.A.; claim number 14, CNH Industrial Capital; and claim number 15, Kubota Credit Corp.

Under this Plan, the Debtors shall pay to allowed unsecured creditors of Anthony M. Mortellite, Jr. and Colleen Mortellite, on a pro-rata basis, \$3,000.00 per year for three years, payable on the first, second and third year anniversaries of the Order Confirming

Plan.

As noted above, those creditors that fail to file proofs of claim by the deadlines provided for in Fed. R. Bankr. P. 3002 shall not be entitled to any distribution under the Plan, and upon the Debtors' discharge, said claims shall be deemed legally void.

To date, the following creditors are deemed to hold valid allowed unsecured claims against Blues Brothers, LLC:

Claim 2	Kubota Credit Corp.	\$28,910.05
Claim 4	Lee Rain, Inc.	\$ 2,385.57
Claim 1	Internal Revenue Service	<u>\$138,567.34</u>
Total		\$169,862.96

To the extent that the following creditors are allowed unsecured claims for deficiencies or are undersecured, they may add to the list of allowed unsecured claims above. They are claim number 3, Farm Credit East; and claim number 7, Kubota Credit Corp.

E. Equity Security Holders and Partners

Anthony M. Mortellite, Jr. and Colleen Mortellite would be considered to be the equity security holders of Blues Brothers, LLC. They will retain their ownership interest. They will receive no distribution from Blues Brothers, LLC. Anthony M. Mortellite, Jr. and Colleen Mortellite, as debtors, are considered to be the equity security holders in their individual Chapter 12 case. They will retain their assets. They will receive no distribution pursuant to the Plan. The individual debtors will take no more than \$6,000.00 per month post-confirmation in order to pay their ordinary and necessary living expenses.